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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,159	09/08/2003	Takeharu Arakawa	Q77223	1357
23373	7590	09/09/2005		
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER BEHNCKE, CHRISTINE M	
			ART UNIT 3661	PAPER NUMBER

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/656,159

Applicant(s)

ARAKAWA, TAKEHARU

Examiner

Christine M. Behncke

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/29/04</u> . | 6) <input type="checkbox"/> Other: _____  |

Handwritten signature/initials.

### DETAILED ACTION

1. This office action is in response to the Application filed 8 September 2003, in which claims 1-7 were presented for examination.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Videtich, US Patent Application Publication No. 2004/0010366.

3. **(Claims 1, 6 and 7)** Videtich discloses communication terminal apparatus, method and computer program comprising: a display unit ([0021] and [0038]); a communication unit (telematics unit 120, [0032]); a connection control unit (digital signal processor 122) for controlling a connection state between the communication unit and an information center (telematics service call center 150) to make connection to the information center through the communication unit to acquire information from the information center ([0032]-[0033]); and a prediction unit for predicting the necessity for connection between the communication unit and the information center (Block 420, figure 4, [0038]), wherein the connection control unit starts connection to the information

center based on a prediction result of the prediction unit (figure 4, system determines if an obstruction is en route, if so and a user allows a reroute, a request to the information center is transmitted for a reroute, [0038] and [0039]).

4.     **(Claim 2)** Videtich further discloses wherein the prediction unit monitors movement of a mobile unit and predicts the necessity for connection between the communication unit and the information center (GPS unit 126, the telematics unit in conjunction with the GPS unit determines if there are any relevant traffic obstructions ahead on the route [0037]-[0038]).

5.     **(Claim 3)** Videtich further discloses wherein the prediction unit detects a driving state of a mobile unit to monitor whether or not there is a possibility that the mobile unit deviates from a driving scheduled route ([0037] determines if there is a traffic obstruction ahead of the vehicle on the scheduled route that may require a rerouting) and predicts the necessity for connection between the communication unit and the information center ([0037]-[0038], Block 420, figure 4).

6.     **(Claim 5)** Videtich further discloses wherein detection of a driving state of a mobile unit by the prediction unit is comparison of traffic information with a driving scheduled route ([0037]-[0038]).

### ***Claim Rejections - 35 USC § 103***

7.     The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Videtich in view of Ito, US Patent No. 6,347,278.

Videtich discloses the communication terminal apparatus as applied to claim 1, further discloses a driving position unit, GPS unit 126, and receives and displays a scheduled route to a determined destination from a remote information center 150. Videtich does not disclose comparing the driving position to the driving scheduled route. However, Ito teaches a navigation system in which a mobile unit 101 receives a driving scheduled route based on the current driving position and a set destination (Column 4, line 58- Column 5, line 5), wherein the driving state of the mobile unit is monitored (location calculating circuit, 303) and a comparison of a driving position and a driving direction of the mobile unit with a driving scheduled route is conducted (Column 10, line 44- Column 11, line 16 and figure 14). It would have been obvious to one of ordinary skill in the automotive and navigational art at the time of the invention to combine the

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invention of Videtich with the teachings of Ito because as Ito teaches by comparing a recommended route with the unit location detected, a new route can be requested to the remote server based on the comparison and minimize the frequency of communications between the unit and server (Column 3, line 56- Column 4, line 19).

***Claim Rejections - 35 USC § 102***

9. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Tada et al., US Patent No. 6,594,580.

10. **(Claims 1, 6 and 7)** Tada et al. discloses a communication terminal apparatus, method and computer program (figure 1, in-vehicle device 30) comprising: a display unit (display section 36); a communication unit (radio communication unit 38); a connection control unit (control section 31) for controlling a connection state between the communication unit and an information center to make connection to the information center through the communication unit to acquire information from the information center (Column 4, lines 49-54); and a prediction unit for predicting the necessity for connection between the communication unit (control unit 31 sets guide levels) and the information center, wherein the connection control unit starts connection to the information center based on a prediction result of the prediction unit (figure 26, Column 19, lines 6-45, control section determines if the guided route passes through a non-communication area, determines area length and whether/how much data of the guided route needs to be transmitted before entering the non-communication area to effectively guide the user).

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11. **(Claim 2)** Tada et al. further discloses wherein the prediction unit monitors movement of a mobile unit and predicts the necessity for connection between the communication unit and the information center (figure 26, Column 19, lines 6-45).

12. **(Claim 3)** Tada et al. further discloses wherein the prediction unit detects a driving state of a mobile unit to monitor whether or not there is a possibility that the mobile unit deviates from a driving scheduled route and predicts the necessity for connection between the communication unit and the information center (figure 6, Column 7, lines 50-62 and figure 26).

13. **(Claim 4)** Tada et al. further discloses wherein detection of a driving state of a mobile unit by the prediction unit is comparison of a driving position and a driving direction of the mobile unit with a driving scheduled route (Column 7, lines 50-62 using the current location calculation section 39).

14. **(Claim 5)** Tada et al. further discloses wherein detection of a driving state of a mobile unit by the prediction unit is comparison of traffic information with a driving scheduled route (figures 26, 22 and Column 17, lines 3-8).

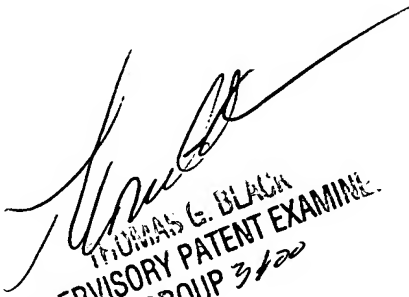
### ***Conclusion***

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine M. Behncke whose telephone number is (571) 272-8103. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

09-05-2005

  
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